

**REMARKS**

Claims 1-22 will remain pending in the above-identified application with claims 7-19 being withdrawn from consideration. By this Response, claim 1 is amended. Reconsideration and allowance based upon the above amendments and following remarks are respectfully requested.

***Claim Rejections under 35 U.S.C. §§ 102 and 103***

Claims 1-5 and 20-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Clarke et al. (US 2002/0142470) and claims 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Clarke in view of Sundberg et al. (US 6,086,825). These rejections are respectfully traversed.

Claim 1 recites, *inter alia*:

- I) said rotary member comprises a group of one or more seats for holding at least one of said one or more microfluidic devices, each of said seats
  - i) is capable of being positioned at the same radial distance as any of the other seats of the group, and
  - ii) aligns layer I essentially radially at an angle  $\alpha$  relative to the spin plane where  $45^\circ \leq \alpha \leq 90^\circ$ , such that said layer I is fixed at said angle  $\alpha$  in said seat.

Applicants respectfully submit that these features are not taught by Clarke.

As noted above, claim 1 has been amended to define the placement of layer I with regards to the seat and thus further define the unique structure of the seat. Clarke, to the contrary, teaches a micro-array that is clamped into a  $\frac{3}{4}$  sphere. The sphere is not fixed so that it can rotate 180°. See Figs. 5 and 6. Thus, while the sphere rotates the position of the micro-array changes in relation to this rotation. The micro-array is not fixed within a specified angle.

In embodiments of the present invention as defined by claim 1 microfluidic devices are aligned in the rotary member in the vertical direction ( $\alpha=90^\circ$ ) or in a declined direction in which  $45^\circ \leq \alpha < 90^\circ$  relative to the plane of the rotary member (*i.e.*, the spin plane). A seat in the rotary member is provided to align layer I holding the microfluidic devices at the correct angle. Further, the angle of the seat can be changed to a different fixed angle. Thus, Clarke fails to teach a seat as claimed in which a layer I can be fixed at a determined angle in the seat.

Thus, Clarke fails to teach every feature of claim 1 as required. Further, Sundberg is provided to teach aspects of the dependent claims and fails to remedy Clarke's deficiencies. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

### **CONCLUSION**

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno (Reg. No. L0053) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

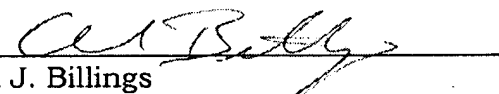
Application No. 10/537,318  
Amendment dated July 13, 2009  
After Final Office Action of April 13, 2009

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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